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C O N F I D E N T I A L SECTION 01 OF 03 KINSHASA 001078

SIPDIS

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TAGS: [PREL](#) [MOPS](#) [KPKO](#) [RW](#) [CG](#) [UN](#)

SUBJECT: THE CURRENT FDLR SITUATION

Classified By: Ambassador Roger Meece. Reason 1.4 (b/d).

1. (C) Summary: There has been substantial recent discussion in Kinshasa regarding the remaining FDLR presence in eastern DRC. All parties concede that, while worthwhile, the GDRC/Sant, Egidio initiative to promote FDLR repatriation to Rwanda is stalled. Problems focus on the lack of FDLR "leadership" credibility and senior field commander opposition, and a mixed GOR message. GDRC officials assert they are seeking to by-pass the FDLR leadership to obtain field commitments to return to Rwanda, while also pursuing plans for military pressure per earlier announcements. The latter will be hobbled, however, by a continuing lack of FARDC capability. The Tripartite international Ambassadors propose several steps: a) seeking to strengthen a proposed GDRC statement as much as possible; b) supporting a proposed strong UNSC Presidential statement; c) concurrent messages from capitals, especially Washington and London, underscoring the history of safe return; d) whatever strengthened message is possible from the GOR to encourage returns; e) continued international support to train and equip FARDC integrated units to be able to conduct more effective operations in the Kivus; and f) complementary MONUC operations to apply pressure on FDLR units. All, however, note that MONUC and especially FARDC military operations in the Kivus will inevitably involve significant civilian casualties. End summary.

Rome Initiative Stalled

2. (C) There has been substantial discussion in Kinshasa in recent weeks regarding remaining FDLR combatants in eastern Congo, and the way forward. The topic was extensively discussed by the International Committee to Accompany the Transition (CIAT) and three GDRC Vice Presidents during an Espace Presidentiel meeting June 17. Subsequently, the Ambassador convened heads of mission of the international observers to the Tripartite (U.K., Belgium, The Netherlands for E.U. Presidency, the AU Commission, and MONUC) to review the subject. The latter group had a follow-up meeting on June 22 with Presidency security Special Advisor Samba Kaputo, Ambassador-at-Large Antoine Ghonda, and other Presidency staff.

3. (C) All parties assert that the GDRC/Sant, Egidio initiative with European-based FDLR leaders to obtain an FDLR statement of willingness to return to Rwanda was worthwhile. All, however, also recognize that the process is stalled, with little prospect for progress. The problems identified by most observers center on a lack of credibility of the European-based "leadership" among rank-and-file FDLR combatants in the field, continuing opposition by more senior field commanders, many of whom were likely directly implicated in the 1994 genocide in Rwanda, and what is generally described as a somewhat mixed message from Kigali encouraging a Hutu return, but generally offering little to reassure would-be returnees about the security conditions they may confront.

GDRC: Moving Beyond Rome

4. (C) In the June 17 meeting with CIAT members, and in more detail in a June 22 meeting with the Tripartite international observer representatives, Presidential security Special Advisor Kaputo spelled out GDRC current thinking. In the wake of the unsuccessful DRC visit of FDLR president Ignace Murwanashyaka which had yielded no repatriation movements, Kaputo indicated the GDRC concluded it would not be worthwhile to invest any further effort in him. Instead, Kaputo reported, the GDRC had established a discussion with one or more field commanders to obtain a statement directly by them of a willingness to return to Rwanda without formal conditions. In both meetings, Kaputo reiterated the GDRC's position that it would not entertain any negotiation with the FDLR regarding political conditions for a return, and that the GDRC had on several occasions rejected FDLR arguments and appeals to that effect. Kaputo stated that, instead, the GDRC simply insisted that the time has come for the FDLR to return home or face the risk of military pressure in the DRC against them.

5. (C) In the June 17 and 22 meetings, Kaputo said that the GDRC intended to issue a statement renewing its call for the

FDLR to return home. The draft text he read to the Tripartite group June 22 stated that, failing that, the GDRC would "take up its responsibilities." The Ambassador and others in that meeting strongly encouraged Kaputo to strengthen the GDRC language in the proposed statement as much as possible, and most importantly include a deadline date. UN SRSG Swing suggested the GDRC could state in its communique that any FDLR remaining in the DRC following the deadline would be considered "enemies of the state," opening the door for military action at any subsequent point. Kaputo took the suggestions under advisement. He further indicated that a deal struck with one or more FDLR commanders called for an FDLR statement to be issued by field commander(s) two days after the GDRC statement, renewing the pledge to return to Rwanda. He indicated, however, that the proposed FDLR statement would include a call for the international community to ensure adequate humanitarian and security conditions for the repatriation operation. Quizzed on this point, Kaputo suggested such conditions meant ensuring such things as food and water for the return, as well as assurances, for example, that those who were under 10 years of age at the time of the 1994 genocide would not be swept up summarily in security sweeps in Rwanda following their return.

16. (C) Subsequent to these meeting, the FDLR South Kivu commander issued a communique (septel) which did reiterate a commitment to return to Rwanda, but also repeated calls for an international committee to oversee the return, a concept that has been generally rejected by all western governments. The GDRC by contrast, has not issued a statement to-date. Embassy PolCounselor asked Kaputo about this on June 27. Kaputo indicated that the GDRC still intends to issue a statement, although he was vague on timing or details, and asserted that the FDLR statement did not change the basic framework of the strategy he had earlier outlined. Privately, however, he has told DCM and PolCounselor he feels that the international community should be more forthcoming regarding the oversight committee idea.

Military Options

17. (C) The Congolese and the Ambassadors all recognize that military pressure will be required against combatants in eastern DRC. The real questions are the size of the target group, and the related issue of the size of forces and the scope of operations needed to target the FDLR fighters. Obviously, the more of existing FDLR combatants that can be induced to return peacefully, the simpler and more feasible the scope of the needed operations, an important factor given limited FARDC capabilities and the relatively modest size of MONUC forces. In the June 17 and 22 meetings, and in even more detail in private conversations, Kaputo has stated that the GDRC intends to use newly-trained integrated brigades in North and South Kivu. He recognizes, however, that many of these troops are not yet equipped with even basic gear such as boots or adequate arms, and the level of training provided to various units is at best inconsistent. In addition, the Kitona and Kamina Brigades will still require air transport for the troops and equipment to the Kivu operational area. Hence, Kaputo has indicated that the GDRC has been reluctant to commit to a specific date absent confidence in at least a minimal degree of military readiness. MONUC has been looking at its options as well, with a view toward stepping up more aggressive cordon and search disarmament operations in the Kivus in essence targeting FDLR units, but MONUC clearly would like to coordinate its actions with the FARDC.

18. (C) Looking at all the factors, the international "Tripartite" Ambassadors have proposed the following actions to encourage FDLR returns as quickly as possible:

a) As previously noted, encouraging the GDRC to issue its proposed statement, including strong language to clearly and publicly communicate to the FDLR that the Congolese want the FDLR out of the DRC, and a deadline date for peaceful returns.

b) A strong UNSC Presidential statement or other action reinforcing the need for rapid and peaceful FDLR repatriation to Rwanda, coupled with a call for humanitarian conditions for such a return, and noting the past record of successful Rwandan refugee returns. (Comment: The recent refoulement of refugees from Burundi took place after this recommendation was formulated. UNSC statement text regarding successful past returns would need to be carefully drafted to maintain credibility in light of the Burundi situation. End comment.) The UNSC statement could reinforce the prospect of military action, potentially with reference to the GDRC deadline date if a GDRC communique with such a date is in fact issued.

c) Concurrent messages from capitals expressing similar ideas, also underscoring the history of safe past Rwandan refugee returns, and the high degree of international community interest in the process. Congolese and other Ambassadors expressed the view that statements from Washington and London would likely have the greatest

potential impact.

d) Whatever further statement(s) could be obtained from the Kigali government to provide reassurances of safe and humane conditions for potential returnees, including unambiguous assurances regarding those who were too young (e.g., under the age of 10) to have culpability in the 1994 genocide. Ideally, a senior-level GOR official traveling to eastern DRC in cooperation with MONUC could greatly enhance the impact of the message. Absent any further GOR statement, MONUC should continue its ongoing program of publicizing past GOR statements to the maximum extent possible to encourage returnees.

e) As great as possible international community support to equip and train FARDC units as quickly as possible to be ready for military operations in the Kivus targeting the FDLR. A particular priority should be put on those units already integrated, but still lacking basic skills and equipment.

f) Support for complementary MONUC operations to put pressure on FDLR combatants. It was noted, however, the MONUC processing centers for FDLR members wishing to return should be maintained to accept all those wishing to return peacefully to Rwanda.

19. (C) In reviewing these options, and particularly noting the inevitability of military operations in some form, all participants in the discussions in Kinshasa have noted that there will unfortunately likely be significant civilians casualties. The nature of the terrain in the Kivus, population density, and the relative mobility and capabilities of FDLR forces suggest that civilian casualties are likely to be even higher than those incurred in ongoing operations in Ituri District targeting militia units.
MEECE